

REFERENCE TITLE: catalytic converters; scrap metal dealers

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2561

Introduced by
Representative Anderson

AN ACT

AMENDING SECTIONS 13-1604 AND 44-1642, ARIZONA REVISED STATUTES; RELATING TO
SCRAP METAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-1604, Arizona Revised Statutes, is amended to
3 read:
4 13-1604. Aggravated criminal damage; classification
5 A. A person commits aggravated criminal damage by intentionally or
6 recklessly without the express permission of the owner:
7 1. Defacing, damaging or in any way changing the appearance of any
8 building, structure, personal property or place used for worship or any
9 religious purpose.
10 2. Defacing or damaging any building, structure or place used as a
11 school or as an educational facility.
12 3. Defacing, damaging or tampering with any cemetery, mortuary or
13 personal property of the cemetery or mortuary or other facility used for the
14 purpose of burial or memorializing the dead.
15 4. Defacing, damaging or tampering with any CATALYTIC CONVERTER,
16 utility or agricultural infrastructure or property, construction site or
17 existing structure for the purpose of obtaining FERROUS METALS OR nonferrous
18 metals as defined in section 44-1641.
19 B. Aggravated criminal damage is punishable as follows:
20 1. If the person intentionally or recklessly does any act described in
21 subsection A of this section which causes damage to the property of another
22 in an amount of ten thousand dollars or more, aggravated criminal damage:
23 (a) Resulting from actions described in subsection A, paragraph 1, 2
24 or 3 of this section is a class 4 felony.
25 (b) Resulting from actions described in subsection A, paragraph 4 of
26 this section is a class 3 felony.
27 2. If the person intentionally or recklessly damages property of
28 another in an amount of one thousand five hundred dollars or more but less
29 than ten thousand dollars, aggravated criminal damage:
30 (a) Resulting from actions described in subsection A, paragraph 1, 2
31 or 3 of this section is a class 5 felony.
32 (b) Resulting from actions described in subsection A, paragraph 4 of
33 this section is a class 4 felony.
34 3. In all other cases aggravated criminal damage is:
35 (a) A class 6 felony if it results from actions described in
36 subsection A, paragraph 1, 2 or 3 of this section.
37 (b) A class 5 felony if it results from actions described in
38 subsection A, paragraph 4 of this section.
39 C. In determining the amount of damage to property, damages include
40 the cost of repair or replacement of the property that was damaged and the
41 cost of the loss of crops and livestock.
42 Sec. 2. Section 44-1642, Arizona Revised Statutes, is amended to read:

1 C. A scrap metal dealer shall not provide payment for any scrap metal
2 on site at the time of the scrap metal transaction. Payment shall be made by
3 mailing a check or money order to a physical address provided by the seller
4 through a current driver license or other identification prescribed in
5 subsection A, paragraph 4 of this section. The check or money order shall be
6 made payable to the business name for an industrial account. This
7 subsection:

8 1. Except as provided in paragraphs 2 and 3 of this subsection, only
9 applies to industrial accounts, copper and aluminum wire with a diameter of
10 at least three-eighths of an inch.

11 2. Except as provided in paragraph 3 of this subsection, applies to
12 all scrap metal transactions of three hundred dollars or more.

13 3. Does not apply to industrial accounts if the industrial accounts
14 annually preregister employees who are authorized sellers on behalf of the
15 industrial accounts.

16 D. A scrap metal dealer shall provide a receipt to the seller on site
17 at the time of the scrap metal transaction, for every transaction, and shall
18 include the following information:

19 1. The date, time and place of the transaction.

20 2. An identifying description and weight of the specific scrap metal
21 received.

22 3. The dollar amount of the transaction.

23 E. A scrap metal seller may not conduct a series of transactions for
24 one vehicle load of scrap metal to avoid the requirements of this section.

25 F. A scrap metal seller shall not participate in more than one cash
26 transaction per day for scrap metal.

27 G. A scrap metal seller shall be at least sixteen years ~~old~~ OF AGE.

28 H. This section does not apply to transactions involving used aluminum
29 beverage containers or materials consisting of a metal product in its
30 original manufactured form that is comprised of no more than twenty per cent
31 by weight nonferrous metal, EXCEPT THAT THIS SECTION DOES APPLY TO
32 TRANSACTIONS INVOLVING A METAL PRODUCT IN ITS ORIGINAL MANUFACTURED FORM THAT
33 COMPRISES A CATALYTIC CONVERTER.